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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,594	12/05/2003	Pierre Delbreil	Q78566	7498
23373	7590	01/03/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LEE, JOHN J	
			ART UNIT	PAPER NUMBER
			2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/727,594	DELBREIL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOHN J. LEE	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 05 December 2003.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/5/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2, 4, 5, and 10 are objected to because of the following informalities: the recited limitation "and/or" is not clear what is claimed in the claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Regarding claim 10, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
4. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 2, the word "means" is preceded by the word(s) "antenna" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1 – 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Umeda et al. (US 2002/0150228):

Regarding **claims 1 and 8**, Umeda teaches that a fixed transmitting station of a wireless telecommunication system (pages 3, paragraphs 26 – 28 and Fig. 1). Umeda teaches that measurement means for electromagnetic field measurements of an electromagnetic environment of the antenna (204 in Fig. 3) (Fig. 3 and pages 5, paragraphs 47 – pages 6, paragraphs 53, where teaches measuring and determining changes in the electromagnetic wave environment may be detected in the communication terminal according to cell determination or transmission quality monitoring). Umeda teaches that transmitting of data being indicative of a measurement result to a central control unit (Fig. 3 and pages 5, paragraphs 47 – pages 6, paragraphs 54, where teaches notifying of the electromagnetic wave environment measurement result of detection to report to central network).

Regarding **claim 2**, Umeda teaches that the measurement means being mounted on the antenna (204 in Fig. 3) (Fig. 3 and pages 5, paragraphs 47 – pages 6, paragraphs 53, where teaches the antenna of the terminal measures the electromagnetic wave

environment). The antenna (204 in Fig. 3) means being coupled to at least one cable for transmitting of radio frequency up-link and down-link signals (Fig. 3 and pages 4, paragraphs 35 – 38, where teaches an antenna being coupled by cable line to communicating section for communicating (transmitting of radio frequency) uplink and downlink signals) and the at least one cable being connected to the measurement means in order to couple the measurement means to a power supply or for transmitting of the data being indicative of a measurement result (Fig. 3 and pages 4, paragraphs 35 – 38, where teaches an antenna being connected by cable line to detecting section for measuring electromagnetic wave environment and coupled to power supply section (inherently coupled to power supply section, otherwise, it can not operate) for transmitting of the measurement result data of electromagnetic wave environment).

Regarding **claim 3**, Umeda teaches that data processing means for monitoring of the data (Fig. 3 and pages 5, paragraphs 47 – pages 6, paragraphs 53, where teaches measuring and determining changes in the electromagnetic wave environment may be detected in the communication terminal according to cell determination or transmission quality monitoring).

Regarding **claim 4**, Umeda teaches that the data processing means being adapted for the assessment of electromagnetic field levels or a drift of electromagnetic parameters being related to the electromagnetic environment (Fig. 3 and pages 5, paragraphs 47 – pages 6, paragraphs 55, where teaches processing for measuring and setting of electromagnetic field levels (weak state or normal, comparing of reception levels)).

Regarding **claim 5**, Umeda teaches that the data processing means being adapted to generate a report or alert message for the central control unit (Fig. 3 and pages 5, paragraphs 47 – pages 6, paragraphs 54, where teaches generating and notifying of the electromagnetic wave environment measurement result of detection to report to central network).

Regarding **claims 6 and 9**, Umeda teaches that controlling of at least one network parameter of the wireless telecommunication system based on the data (Fig. 3 and pages 5, paragraphs 47 – pages 6, paragraphs 55, where teaches controlling based on the electromagnetic wave environment measurement result of detection of a network of the wireless communication system).

Regarding **claim 7**, Umeda teaches that the central control unit being an operations and maintenance centre (Fig. 1, 2 and pages 5, paragraphs 47 – pages 6, paragraphs 55, where teaches central network being operation and management).

Regarding **claim 10**, Umeda teaches all the limitation as discussed in claims 1 and 6. Furthermore, Umeda further teaches that inputting of data being indicative of a measurement result of an electromagnetic field measurement of an environment of an antenna of a fixed transmitting station of a wireless telecommunication system (Fig. 3 and pages 5, paragraphs 47 – pages 6, paragraphs 55, where teaches measuring and determining changes in the electromagnetic wave environment may be detected in the communication terminal according to cell determination or transmission quality monitoring, and notifying of the electromagnetic wave environment measurement result of detection to report to central network).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gelvin et al. (US 7,020,701) discloses Method for Controlling and Processing Data Using Internetworked Wireless Integrated Network Sensors.

Berman et al. (US 2004/0129890) discloses Real Time Remotely Programmable Radioactive GAS Detecting and Measuring System.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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Or P.O. Box 1450  
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or faxed (571) 273-8300, (for formal communications intended for entry)  
Or: (703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters,  
Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00

Art Unit: 2618

pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Edward Urban**, can be reached on (571) 272-7899. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L

December 23, 2006

John J Lee

Nguyen

12-26-2006

NGUYEN T. VO  
PRIMARY EXAMINER